

My name is John Bestor and I retired this past June from my job as a school psychologist after 41 years in the Westport Public Schools. I am disappointed that I could not attend and present this testimony in person, but I am pleased to have this opportunity to submit written testimony on Raised Bill HB 5469 "An Act Concerning Student Data Privacy".

**I am writing in opposition to HB 5469.**

Although I recognize that there is a pressing need to put in place legislation that will protect private student data, it is difficult from my reading of this complicated bill to understand how student and parental rights to their personal and confidential information is effectively protected in this bill. Instead HB 5469 appears to set forth contingencies and legal protections for vendors and their parent companies who are marketing electronic products and for institutions and their policies (such as public schools that are using these products) from any liabilities that could be incurred should a student's private, personal, and confidential data be released or made accessible through product use. The focus of this proposed bill seems exclusively focused on establishing a set of protections for "Contractors" and "Operators" absolving them from accountability and responsibility of disclosure whether purposeful or accidental.

For all of my 41 years as a practicing school psychologist in the Westport Public Schools, I worked to maintain the privacy of what were universally-considered personal and highly confidential student records. These included scores on standardized tests, such as the CMTs, SATs, and many other measures of intellectual aptitude and academic achievement. It also included record keeping of behavioral incidents that required intervention from anyone at school besides the classroom teacher. So, I have serious reservations when the protection of student privacy and that of their parents is not at the center of a bill entitled "Student Data Privacy".

A student-centered data privacy bill should

- provide a student and his/her parents with direct individual notice of the purpose for each use by which student data may be exposed.
- provide transparency of what data may be shared and accessed, for what purpose and to whom.
- set a limited and clearly defined time period on the disclosure of such sensitive data, and
- prohibit any disclosure without informed written student or parent consent.

Unfortunately, this proposed bill fails to address any of these common sense protections and, as a result, is too limited in its scope to effectively ensure the security of a student's private, personal, and confidential data.

To the best of my understanding, this proposed bill fails to deal with the current practice in all public schools of collecting, storing, and sharing what had previously been considered highly sensitive private student information. This bill does not deal with the many serious flaws associated with the State Longitudinal Data System mandate and the less-known CT P20 WIN legislation by which the State Department of Education, the Department of Labor, and the Board of Regents control access to

student private data and decide who may have permission to access that information without disclosure to the student or his/her family. In fact, it is particularly concerning that this year's proposed bill fails to include preschool and college-age students leaving them unprotected by the provisions of the bill. These students had been included in last year's bill (which passed unanimously out of the Education Committee, but was never called to the House floor for discussion or a vote). Continuing to neglect protecting students from this egregious bureaucratic overreach reflects the lack of seriousness with which the sponsors and writers of this bill have addressed this issue. It makes me wonder who had input into this bill when business and state interests are protected by the proposed bill that was intended and identified as protecting student data privacy.

I respect that the development of a comprehensive student data privacy bill is a daunting task. During a CEA-sponsored Forum on Student Data Privacy in January 2016 which some of you attended, it was made very clear by the presenters - all knowledgeable in this field - that the protection of this sensitive information is a complicated, ever-changing undertaking as electronic technology is rapidly evolving. The professional staff at school - all teachers, specialists, and administrators - are all ethically bound by CT's Code of Professional Responsibility to "recognize, respect and uphold the dignity and worth of students as individual human beings" and to "make the well-being of students the fundamental value on all decision-making and actions". Furthermore, they are bound to "maintain the confidentiality of all information concerning students obtained in the proper course of the educational process and dispense the information when prescribed or directed by law governing board policy or professional practice." That suggests to me that, perhaps, educators as well as their students would be better served returning to past practices of maintaining paper-file systems whereby student information that is no longer relevant or needed could be removed from the manila folder and shredded. A paper filing system would remain with the teacher and school staff directly working with the student. Our schools need to move away from paperless, electronic storage systems until the data protection mechanisms are clearly delineated and have a chance of actually protecting private, personal, and confidential information on students from the risk of unwanted exposure or access.

For anyone over the age of thirty - and that means most (if not all) of the legislators considering HB 5469 "An Act Concerning Student Data Privacy" - those pre-electronic, pre-technology methodologies worked sufficiently well and have not posed a problem for us as we have gone about our daily lives. Perhaps a return to simpler, old-fashioned record-keeping could be re-instituted until we get our privacy protection laws in order. There is already in place a system - the Municipal Records Retention Schedule M8 - that establishes when the data kept in school records is destroyed; unlike today, where a student's private data stored "in the cloud" may surface at unsuspecting times. As one of the presenters at the CEA Forum informed those in attendance, the cloud simply makes information "available on someone else's computer".

I ask that you reject HB 5469 "An Act Concerning Student Data Privacy" and work with data privacy advocates and allied groups that are focused on protecting student and families in securing the privacy of personal and confidential student data.

Thank you for your time and consideration.  
Respectfully submitted,

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